IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.267 OF 2006
IN
APPEAL FROM ORDER ST.NO.6262 OF 2006

Mr.Sujit M.Patkar. ...Applicant.

V/s.

Dr.Shubha Mukund Patkar. ...Respondent.

Mrs. Uma G. Wagle for applicant.

Mr.Uday Warunjikar for respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 7, 2006.

P.C. :

1. Heard counsel for the parties. Delay is only of 72 days. Explanation offered in the application though contested by the respondent, in my opinion, the objection taken by the respondent is not acceptable. The applicant has placed on record material to show that some settlement discussion was going on between the parties. It is not relevant to examine whether the settlement talks really materialised or were seriously deliberated upon. Suffice it to observe that the explanation offered by the applicant that as settlement talk was going on, appeal could not be filed in time, will have to be accepted, in the interest of justice and delay of 72

days will have to be condoned. This is moreso, because, the applicant in this application has in all fairness stated that he will not oppose delay in companion appeal, which is filed at the instance of respondent. Hence, application is allowed in terms of prayer clause (a).